



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Interim Director Development Services

Date:

Subject: HIGHWAYS ACT 1980 SECTION 119 PROPOSED DIVERSION OF PART OF PUBLIC FOOTPATH BRA/71 AT STOPES ROAD, STANNINGTON, SHEFFIELD S6

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Summary:

To seek authority to process the Public Path Diversion Order required altering the course of definitive public footpath BRA/71, at Stopes Road, Stannington, Sheffield.

Reasons for Recommendations

Recommendations:

Raise no objections to the proposed diversion of definitive public footpath BRA/71, as shown on the plan included as Appendix A, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.

Background Papers:

Category of Report: OPEN

DIRECTOR OF DEVELOPMENT SERVICES

REPORT TO PLANNING
AND HIGHWAYS COMMITTEE
22nd November 2016

HIGHWAYS ACT 1980 SECTION 119 PROPOSED DIVERSION OF PART OF PUBLIC FOOTPATH BRA/71 AT STOPES ROAD, STANNINGTON, SHEFFIELD S6

1.0 PURPOSE

- 1.1 To seek authority to process the Public Path Diversion Order required altering the course of definitive public footpath BRA/71, at Stopes Road, Stannington, Sheffield.

2.0 BACKGROUND

- 2.1 The City Council has received an application from the landowner requesting the diversion of part of definitive public footpath BRA/71, off Stopes Road, Stannington, as shown on the plan included as Appendix A (hereby referred to as 'the plan').

- 2.2 Footpath BRA/71 runs for 394m, from Stopes Road until it joins bridleway BRA/175 known as Spoon Lane.

- 2.3 The proposal is to divert a 120m section currently running through Broad Oaks Farm. The alternative route will commence 22 metres west of the existing path (shown as point A on the plan) and re-join footpath BRA/71 at a point shown as B on the plan.

- 2.4 The existing route runs through the applicant's premises. Following recent concerns they feel that moving the path will be beneficial to them in terms of security and privacy. They also assert that the new route will be easier for people to walk, despite being slightly longer.

- 2.5 The proposed new route will only pass through land owned by the applicant.

3.0 CONSULTATIONS

- 3.1 Consultations have been carried out with Statutory Undertakers (i.e. utility companies), the Emergency Services, and other relevant bodies, including footpath societies.

- 3.2 Not all the consultees had responded at the time of writing this report. But of those that have responded, only one objection (see below) had been received.

- 3.3 If any negative comments relating to the application are received before the Planning and Highways Committee meeting, they will be reported verbally.
- 3.4 National Grid Gas initially objected to the proposals on the grounds that they had equipment that could be affected by the diversion. Following further consultation their objection was removed.
- 3.5 The original consultation showed the new route to run close to the west side of the western boundary wall of Broad Oaks Farm. Following comments by the Ramblers' Association and discussion with the applicant it was agreed that the new route would pass through a gap in the stone wall as shown as C on the plan.

4.0 LEGAL IMPLICATIONS

- 4.1 The Director of Legal & Governance has been consulted and has advised that if the Council was minded to agree to this application it would be appropriate to process the diversion using the powers contained within Section 119 of the Highways Act 1980. These powers provide for a public footpath to be diverted if it is expedient in the interests of the landowner, and if the Council believes that the proposed alternative will be substantially as convenient to the public as the existing path.

5.0 HIGHWAY IMPLICATIONS

- 5.1 The subject path BRA/71 is part of the definitive public footpath network in the Stannington area.
- 5.2 The proposed alternative route, at 137 metres, will be 17 metres longer in length than the existing course, but although a similar gradient it will be through open fields. Therefore pedestrians will not be in potential conflict with private vehicle movements around Broad Oaks Farm as at present.
- 5.3 An approved kissing gate will be fitted at the point where the new route meets Stopes Road. This is shown at point A on the plan.
- 5.4 The proposed diversion should therefore not adversely affect the public's enjoyment of the area and will have no detrimental effect on the surrounding highway network and its users.

6.0 EQUAL OPPORTUNITY IMPLICATIONS

- 6.1 No particular equal opportunity implications arise from the proposal in this report.

7.0 ENVIRONMENTAL IMPLICATIONS

7.1 No particular environmental implications arise from the proposal in this report.

8.0 FINANCIAL IMPLICATIONS

8.1 All the costs of the Diversion Order process and the provision of the new path will be met by the applicant.

8.2 If the application is successful then the new path, once satisfactorily provided by the applicant, will be maintained by the Council's Public Rights of Way team, in lieu of the old path. It is slightly longer but similar in nature to the old route and consequently the effect on the Public Rights of Way maintenance budget is considered to be negligible.

9.0 CONCLUSION

9.1 Based on the above information, the proposed diversion of definitive public footpath BRA/71, as shown on the plan included as Appendix A, is supported by Officers.

10.0 RECOMMENDATIONS

10.1 Raise no objections to the proposed diversion of definitive public footpath BRA/71, as shown on the plan included as Appendix A, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.

10.2 Authority be given to the Director of Legal & Governance to

- a. take all necessary action to divert the footpath under the powers contained within Section 119 of the Highways Act 1980;
- b. confirm the Order as an Unopposed Order, in the event of no objections being received, or any objections received being resolved;
- c. submit the Order to the Secretary of State for confirmation in the event that objections are received which cannot be resolved.

Steve Robinson
Head of Highway Maintenance

22nd November 2016